

REMARKS

Applicant is in receipt of the Office Action mailed August 23, 2005. Claims 51-74 remain pending in the application.

The Examiner rejected claims 51-74 under 35 U.S.C. § 102(e) as being anticipated by Swartz, U.S. Patent No. 6,445,694. Applicant traverses these rejections. A reference is not anticipatory unless it teaches or suggests each and every feature of the claimed invention. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). With respect to independent claim 51, Applicant respectfully submits that Swartz does not teach or suggest each and every feature of that claim. For example, Swartz does not teach or suggest “wherein the recorded audio data is reviewed prior to being accessible by the computer system.” Applicant respectfully submits that the portion of Swartz cited by the Examiner as allegedly teaching this feature, Figs. 9 and 10, col. 9, line 53 to col. 10, line 36, and col. 12, lines 36-59, *see* Office Action at 3, does not teach nor suggest this feature of claim 51. Accordingly, claim 51 and dependent claims 52-60 are believed to be in condition for allowance. Applicant also submits that Swartz does not anticipate independent claims 71, 72, and 73 for similar reasons.

With regard to independent claim 61, Applicant respectfully submits that Swartz does not teach or suggest each element of that claim. For example, Swartz does not teach or suggest “specifying a location for *posting* the recorded audio data,” as recited in claim 61 (emphasis added). Specifically, Applicant submits that the portion of Swartz cited by the Examiner as allegedly teaching this limitation, Figs. 9 and 10, col. 9, line 53 to col. 10, line 36, and col. 12, lines 36-59, *see* Office Action at 6, does not teach or suggest this feature. Similarly, Applicant submits that Swartz also does not teach or suggest other features of claim 61, including “accessing a location profile of the location, wherein the location profile comprises a requirement for audio data to be posted at the location,” “modifying the recorded audio data to conform to the requirement in the location profile,” and “directly posting the address corresponding to the audio file in the specified location.” Accordingly, Applicant respectfully submits that Swartz does not anticipate claim 61. Claim 61 and dependent claims 62-70 are thus believed to be in condition for allowance.

With regard to independent claim 74, Applicant respectfully submits that Swartz does not anticipate this claim because Swartz does not teach or suggest each and every limitation of this claim, including “presenting the audio file to the user for approval.” Claim 74 is thus believed to be in condition for allowance as well.

CONCLUSION:

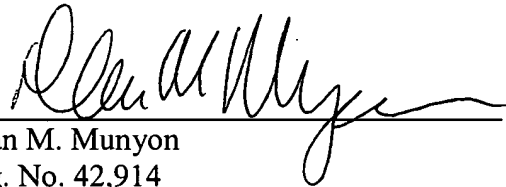
Based on the above, Applicant submits that all of the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5957-02200/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Transmittal of Power of Attorney and Notice of Change of Address

Respectfully submitted,



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